

U.S. Patent Application Serial No. 10/046,185  
Amendment dated December 16, 2003  
Reply to Office Action of September 16, 2003

**REMARKS**

Claims 4 to 8 are in the application and stand finally rejected under 35 U.S.C. §102(b) as being anticipated by Pape, et al.

By this Amendment After Final Rejection, Applicants respectfully request that the rejection of claims 5 to 8 be reconsidered in light of the amendments made herein to these claims. Claim 4 is canceled.

Claims 5 to 8, as amended hereof, were the subject of discussion had between the Examiners and Applicants' attorney at the interview recently accorded by the Examiners to Applicants' attorney. At the interview, Applicants' attorney explained the following significant distinctions which exist between the claimed invention and the Pape, et al. reference:

1. The claimed invention requires a projection 61 on the anvil 33, as contrasted with the Pape, et al. device where the anvil 46 contains a recess in the form of a vacuum cup 48.
2. According to the claimed invention, the plug P is transferred to the projection 61 as the anvil 33 moves toward the "sealing position." In Pape, et al., on the other hand, the plug 36 is transferred to the vacuum cup 48 as the anvil 46 moves away from the "sealing position."
3. In the claimed invention, the supply means is defined as including a plug chute 35 having a delivery opening 34 that is located between the head 71 of a reciprocating plug transfer device 62 and the projection 61 when the anvil is the "plug-receiving position." This contrasts with the Pape, et al. apparatus wherein there is no delivery opening or reciprocating plug transfer device 62 as in

U.S. Patent Application Serial No. 10/046,185  
Amendment dated December 16, 2003  
Reply to Office Action of September 16, 2003

the claimed device but, instead, the transfer is effected by a complicated articulated segmented escapement device 38.

As it was agreed by the Examiners at the interview that the foregoing features, all of which are recited in claim 5, and from which claims 6 to 8 depend, are lacking in the device disclosed in the Pape, et al. reference, it is respectfully requested that this Amendment be entered in the application and that the application be passed to issue. In the event the Examiner is constrained to retain the rejection of claims in the application, it is requested that the Examiner nonetheless cancel claim 4 and enter the amendments to claims 5, 6, and 8 herein in order to place the application in better condition for appeal.

On the other hand, however, if the Examiner finds that minor revision is still required to render the claims in the application satisfactory, it is requested that she call Applicants' attorney at the telephone number indicated below in order to expedite the changes required to place the application in condition for allowance.

U.S. Patent Application Serial No. 10/046,185  
Amendment dated December 16, 2003  
Reply to Office Action of September 16, 2003

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

ARMSTRONG, KRATZ, QUINTOS,  
HANSON & BROOKS, LLP



John F. Carney  
Attorney for Applicant  
Reg. No. 20,276

JFC/nrp  
Atty. Docket No. 020015  
Suite 1000  
1725 K Street, N.W.  
Washington, D.C. 20006  
(202) 659-2930



23850

PATENT TRADEMARK OFFICE

Q:\FLOATERS\UFC\02\020015\amendment 12-16